

REMARKS

In the Office Action mailed March 29, 2004, the Examiner rejected claims 1-3, 6, 8-18 and 21-29, objected to claims 4, 5, 7, 19 and 20 and allowed claim 30. By way of the foregoing amendments and the markings to show changes Applicants have amended claims 1, 2, 4, 7, 17 and 19, canceled claim 3 and added new claims 31-36. The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

I. Information Disclosure Statement

The Office Action reads that, "Applicant is required to submit copies of those references cited but marked as not considered by the Examiner." Applicants submitted those references with the original IDS, however, the references and PTO/SB/08A forms for the Examiner's signature are being resubmitted with the present Response and Amendment.

II. Specification

The Office Action objected to the spelling of the word "for" in the abstract. The abstract has been revised such that the misspelled word "for" has been removed.

III. Claim Objections

The Office Action rejected claim 7 because it was not in proper "alternative" multiple dependent format. Claim 7 has been amended and is now in proper format.

IV. Claim Rejections – 35 USC 103

The Office Action rejected claims 1-3, 6, 8-18 and 21-29 under 35 USC 103(a) as being unpatentable over Wang et al (US Patent Application Publication US 2003/0007894 A1) in view of May et al. (US Patent 5,323,229).

In a personal interview, Applicants' representative, attorney James H. Ackley, discussed these rejections with Examiner Gutierrez and Supervisory Patent Examiner Marc Hoff. It was agreed that amending claim 1 to include "topography" as in claim 3 would allow Examiner Gutierrez to withdraw any rejections to claim 1 and its

dependents. As a corollary, any rejections of claim 17 and its dependents should also be withdrawn since claim 17 includes a step of “correlating ... to topography...”.

V. New Claims

New Claims 31-36 have been added to address “thickness” as discussed during the interview and, additionally, to address other aspects of the present invention.

By amending the application, the Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants intend to file a continuation application to pursue the breadth of the claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

CONCLUSIONS

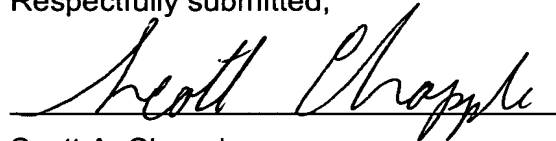
In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish

to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 593-9900.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-0496 for any fee which may be due.

Respectfully submitted,

Dated: 5-19, 2004

A handwritten signature in cursive script, reading "Scott Chapple", written over a horizontal line.

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